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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,976

02/25/2004

Olof Ramstrom

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EXAMINER

GROSS, CHRISTOPHER M

ART UNIT

PAPER NUMBER

1639

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,976

Applicant(s)

RAMSTROM ET AL.

Examiner

Christopher M. Gross

Art Unit

1639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 6,9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Responsive to communications entered 6/8/2006. Claims 1-10 are pending.
Claims 6,9 and 10 are withdrawn. Claims 1-5,7,8 are examined herein.

Election/Restrictions

1. Applicant's election with traverse of group II, claims 2, 7 and 9 in the reply filed on 6/8/2006 is acknowledged. The traversal is on the ground(s) that a prior art search for inventions I and II is coextensive. This is found persuasive and groups I and II are hereby rejoined.
2. Applicant's election with traverse of the species of "steroids" in the reply filed on 6/8/2006 is acknowledged. In the interest of compact prosecution, claims 6,9,10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6/8/2006.

Priority

3. This application is a CON of 10/263,195 10/03/2002 (now ABN) which is a CON of 09/607,925 06/30/2000 (now ABN) which is a CON of PCT/SE98/02413 12/22/1998.

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on 12/30/1997. It is noted, however, that applicant has not filed a certified copy of the 9704919-1 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5,7,8 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitcombe et al (1995 JACS 117:7105-7111).

The claimed invention is drawn to a method for specific removal of a compound from a mixture of related structures representing a combinatorial library comprising using a molecularly imprinted polymer. Claims 2-5,7,8 represent variations thereof.

Whitcombe et al teach, throughout the document and especially figure 2d a method of preparing a molecularly imprinted polymer, which is used for the specific adsorption (removal or screening) of cholesterol versus four other related derivatives. Because a combinatorial library can have as few as two members and cholesterol is a biological steroid chemical, the method of Whitcombe et al reads on the limitations set forth in claims 1-4, 5 (elected species), 7 (elected species) and 8 (elected species).

5. Claims 1-5,7,8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bystrom et al (1993 JACS 115:2081-2083).

Bystrom et al teach, throughout the document, and especially table 1, a method of using a molecularly imprinted polymer for chemoselective for the reduction of specific steroid derivatives. Said reduction of Bystrom has the effect of specific removal of a steroid from solution or may comprise part of a screening method for a steroid of interest, thus the method of Bystrom et al reads claims 1-4, 5 (elected species), 7 (elected species) and 8 (elected species).

6. Claims 1-5,7 and 8 rejected under 35 U.S.C. 102(e) as being anticipated by Mosbach et al (US Patent 6255461).

Mosbach teach, throughout the document and especially table 4, ELISA and RIA methods for assessing the selectivity of molecularly imprinted polymers for retaining (selective removal or screening) of cortisol versus other steroids, which reads on the method and limitations set forth in claims 1-4, 5 (elected species), 7 (elected species) and 8 (elected species).

Conclusion

Claims 1-5 and 7-8 are not allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Gross whose telephone number is (571)272-4446. The examiner can normally be reached on M-F 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on 571 272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M Gross
Examiner
Art Unit 1639

PETER PARAS, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600



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